

REMARKS

The Office Action rejected Claims 1-7 and 109-141 under 35 U.S.C. §102(b) as being unpatentable by U.S. Patent No. 6,400,996 to Hoffberg et al. The Office Action also objected to the drawings for failing to comply with 37 CFR 1.84(p)(5).

The Specification and Fig. 9b have been amended. No new matter is presented.

In the objecting to the drawings, the Examiner indicated that errors exist in at least replacement Figures 9A, 9B and 10. In response to the objection to the drawings, a replacement Fig. 9B is submitted and the Specification is revised. The replacement Fig. 9B is revised to correspond to the amendments made herein to the Specification. That is, items 2-16 in Fig. 9B are to be renumbered as 11-25, respectively. It is believed that the replacement Fig. 9B and the amendments to the Specification overcome the objections to the drawings.

In regard to the anticipation rejection of Claims 1-7 and 109-141 in view of Hoffberg et al., it is respectfully submitted that the rejection must be withdrawn for at least the following reasons.

Claims 1-7 and 109-141 are the pending claims. Claims 1 and 122 are presented in independent form. Pages 3-6 of the Final Office Action repeat the exact same citations that were provided at pages 5-8 of the prior Office Action. That is, the Claim Rejection section of the Final Office Action does not include any additional citation to the disclosure of Hoffberg et al. that the Examiner believes anticipates the pending claims.

The “first” reason provided by in the Response to Arguments section of the Final Office Action (bottom of page 6) fails to recognize that an anticipation rejection can only rely on a single reference. The Examiner’s attention is directed to MPEP

2131, which explains that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” It is improper for the Examiner to attempt to “point to the extensive background section of Hoffberg that lists several pattern recognition patents that provide for altering a broadly recited function of the interface.” (Final Office Action, page 6.) The Examiner has failed to make the required showing that each and every recitation of every rejected claim is expressly shown in a single prior art reference. For at least this reason, the rejection must be withdrawn.

As a “second” reason provided in the Response to Arguments section of the Final Office Action (bottom of page 6), the Examiner cites “column 85” (from among the 186 columns in the 143 page Hoffberg et al. reference) as allegedly teaching “that each screen may be optimized for the prescribed function [...] and in the same embodiment Hoffberg expressly teaches that the purpose of the invention is to use an intelligent and adaptive pattern recognition process to modify choices available to the user on the display.” (Final Office Action, bottom of page 6.) To the contrary, rather than disclose *proactively altering at least one function of said interface unit according to said detected pattern*, as recited in independent Claims 1 and 122, Hoffberg et al. teaches only that “even if the format does change, a standard scheme should be maintained, such as the use of a particular color to indicate that a particular program aspect has been changed.” (Col. 85, lines 60-63, of Hoffberg et al.) Nowhere in the cited Col. 85 or elsewhere does Hoffberg et al. disclose the claimed proactively altering recitation.

As a “third” reason provided in the Response to Arguments section of the Final Office Action, the Examiner acknowledges that “the process diagram of figure 15 by itself [...] just simply refer[s] to a set of steps” (Final Office Action, top of page 7). As discussed above, this acknowledgment, standing alone, shows that the Examiner has failed to make the required showing that each and every recitation of every

rejected claim is expressly shown in a single prior art reference. Moreover, Hoffberg et al. teaches providing "[f]requently used choices for program selections [...] to reduce the number of programming steps." (Col. 85, lines 18-20, of Hoffberg et al.) Providing frequently used choices of program selections fails to disclose the proactive altering of at least one function of said interface unit according to said detected pattern, as claimed in the present invention.

For at least the above reasons, Hoffberg et al. fails to disclose each and every recitation of the claimed invention, the anticipation rejection must be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7 and 109-141, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicants' attorney at the number given below.

Respectfully submitted,



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Enclosure: *Submission of Replacement Formal Drawing Sheet*